

<b>STATE OF UTAH</b> Department of Public Safety <b>POLICIES AND PROCEDURES</b>	REF. Sworn Officer Conduct <b>2-1-4</b>	PAGE <b>1 of 3</b>
	EFFECTIVE DATE <b>07-14-00</b>	REVISION DATE <b>00-00-00</b>
<b>SUBJECT: Domestic Violence - Ineligibility to Carry Firearms</b>		

## I. PURPOSE

To establish the Department of Public Safety's policy regarding the ineligibility of a sworn officer to carry a firearm after involvement in domestic violence.

## II. DEFINITIONS

- A. "Misdemeanor crime of domestic violence," means an offense that:
  1. is a misdemeanor under federal or state law; and
  2. has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.
- B. This definition includes all misdemeanors that involve the use or attempted use of physical force (example: simple assault or assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.
- C. Although the effective date for this provision in law was September 30, 1996, the prohibition applies to all persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the new law's effective date.
- D. A person shall not be considered to have been convicted of such an offense for the purposes of this law if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

### III. POLICY

- A. The Omnibus Consolidated Appropriations Act of 1997 amended the Gun Control Act of 1968, thereby making it unlawful for any person convicted of a “misdemeanor crime of domestic violence” to ship, transport, possess, or receive firearms or ammunition. Therefore, any sworn member of the department that has been convicted of a “misdemeanor crime of domestic violence” is prohibited from possessing, transporting, or carrying firearms.
- B. Under 18 U.S.C. § 922(g)(8) it is unlawful for any person who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of an intimate partner from possessing, transporting, or carrying firearms. Therefore, any sworn member of the department that is subject to such a court order must immediately notify their supervisor of this fact so an internal investigation can be conducted and appropriate action taken.

### IV. PROCEDURE

- A. Any sworn officer of the department that has been arrested, charged, or convicted of a “misdemeanor crime of domestic violence,” as defined in this policy, will immediately notify their supervisor of this fact.
- B. If a sworn member of the department has been **convicted** of a “misdemeanor crime of domestic violence,” they will immediately surrender all issued firearms to a supervisor in their chain of command. The employee will then be transferred to a job assignment that does not require a firearm.
- C. If a sworn member of the department has been arrested or charged with a “misdemeanor crime of domestic violence,” but has not yet been convicted, the department’s Internal Affairs unit will monitor the prosecution and inform management of the outcome. Appropriate action will then be taken.
- D. Any sworn officer of the department who is subject to a court order restraining them from harassing, stalking, or threatening an intimate partner or child of an intimate partner will immediately notify their supervisor of this fact and provide the department with a copy of the court order.

- E. Whenever a supervisor receives notice that a sworn employee is subject to a restraining or protective court order, the supervisor will forward this information and a copy of the court order up the chain of command to the Commissioner's office. Internal Affairs will then be assigned to investigate the situation to determine if the sworn employee has engaged in conduct that would make them ineligible to carry or possess a firearm under federal law. At the conclusion of the investigation, appropriate action will be taken by management.
- F. Whenever an employee surrenders department issued firearms to a supervisor in compliance with the provisions of this policy, the supervisor will inform the employee that federal law prohibits them from possessing, transporting, or carrying **any** firearm or ammunition. The employee should also be informed that continued possession of **any** firearms and ammunition is a violation of law, may subject the possessor to criminal penalties, and such firearms and ammunition are subject to seizure and forfeiture.

<b>STATE OF UTAH</b> Department of Public Safety <b>POLICIES AND PROCEDURES</b>	REF. Operations <b>2-5-18</b>	PAGE <b>1 of 9</b>
	EFFECTIVE DATE <b>09-15-04</b>	REVISION DATE <b>00-00-00</b>
<b>SUBJECT: Domestic Violence----On-duty Encounters</b>		

## I. Purpose

To explain the proper manner in which to investigate and report incidents of domestic violence.

## II. Definitions

A. "Domestic Violence" is any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.

B. "Cohabitant" is a married person or person 16 years of age or older who:

1. Is or was a spouse of the other party.
2. Is or was living as if a spouse of the other party.
3. Is related by blood or marriage to the other party.
4. Has one or more children in common with the other party.
5. Resides or has resided in the same residence as the other party.
6. Is the biological parent of the other party's unborn child?

Cohabitant does not include:

- a. The relationship between natural parent, adoptive parent, or stepparent to a minor.
- b. The relationship between natural, adoptive, step or foster siblings who are under 18 years of age.

C. Domestic violence includes any of the following offenses when committed or attempted by one cohabitant against another:

1. Telephone harassment
2. Kidnapping
3. Child kidnapping
4. Aggravated kidnapping
5. Mayhem
6. Any sex offense
7. Stalking
8. Unlawful detention
9. Violation of protective order
10. Violation of ex-parte order
11. Any offense against property (criminal mischief)
12. Possession of a deadly weapon with the intent to assault
13. Discharge of firearm
14. Interfering or interrupting a 911-phone call
15. Child abuse (when a child witnesses an act of domestic violence)

### **III. Policy**

Employees will make every effort to ensure the safety and well being of those persons who have been victimized by domestic violence.

#### IV. Procedure

- A. Peace officers investigating domestic disturbances will make a complete investigation and, when evidence supports that a domestic violence crime has occurred, prepare an incident report that will be submitted before the end of shift. Domestic violence incident reports shall be made available to victims, upon request and at no cost.
- B. A complete investigation includes photographs of the damage and/or injuries, written witness statements, statements from both the victim and suspect.
- C. A peace officer who responds to an incident of domestic violence shall use all reasonable means to protect the victim and prevent further violence, including:
  - 1. Taking action reasonably necessary to provide for the safety of the victim and family.
  - 2. Confiscating weapons involved in the incident.
  - 3. Making arrangements for the victim and children to obtain needed shelter.
  - 4. Providing protection for the victim while the victim removes essential personal effects.
  - 5. Assist in arranging needed medical treatment for the victim and children.
  - 6. Arranging, facilitating, or providing for the victim with immediate and adequate notice of the rights of victims and the remedies and services available to victims of domestic violence ([victims service brochure](#)).
- D. If the incident is verbal only (and no crime has been committed), an incident report must still be submitted.
- E. When a peace officer responds to a domestic violence call and has probable cause to believe that an act of domestic violence has been committed, the peace officer shall arrest without a warrant or issue a citation to any person that he/she has probable cause to believe has committed an act of domestic violence.

- F. If cited, the offender should sign the citation. If they refuse, the officer shall take the offender into custody and book the offender.
- G. The officer shall make a custodial arrest if the officer has probable cause to believe that:
  - 1. There will be continued violence against the alleged victim.
  - 2. The suspect has caused serious bodily injury to the victim.
  - 3. The suspect used a dangerous weapon.
- H. The officer will provide the victim(s) with a "Victims Services" brochure, which provides victims with helpful information and available services.
- I. [No Contact Agreement](#) No Contact Order (77-36-2.5): The officer will fill out and serve on the offender a "No Contact Order". This may be done on scene or during the booking process. The officer will also provide the victim with a copy of the order. If the victim chooses to waive the order, they must do so in writing.
  - 1. No Contact Orders remain in effect until the close of the next court day.
  - 2. No Contact Orders prohibit the offender from:
    - a. Having any contact with the alleged victim.
    - b. Threatening or harassing the alleged victim.
    - c. Knowingly entering the premises of the alleged victim.
  - 3. Violation of a No Contact Order is a class A misdemeanor.
  - 4. The officer will attach a copy of the No Contact Order to his/her incident report.
- J. The officer shall insure that a copy of the completed report is forwarded and received by the victim's advocate in the jurisdiction where the offense occurred (local police agency).

# NOTICE OF NO-CONTACT AGREEMENT

Case Number \_\_\_\_\_

## **To The Arrested Person:**

As required by section 77-36-2.5 (1) (a,b,c) Utah code annotated, you must agree to the described requirements prior to your release.

Until the expiration date and time of \_\_\_\_\_, you will:

1. have no personal contact with the alleged victim;
2. not threaten or harass the alleged victim; and
3. not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.

I certify that I understand and agree to comply with the requirements described above. I also understand that if I violate any of the provisions of this agreement I will be guilty of either a class "A" misdemeanor or a third degree felony (77-35-2.5 (5)(b)).

Signed: \_\_\_\_\_

Date & Time: \_\_\_\_\_

## **Certificate of Service:**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_, I personally served a copy of this notice upon \_\_\_\_\_, the arrested person in a domestic violence case, and that I read the notice aloud to the arrested person.

Peace Officer Signature: \_\_\_\_\_

## **To The Alleged Victim:**

This No-Contact Agreement lasts only until the date and time noted above. If you wish to seek continuing protection, you may apply for a protective order(s) yourself. To proceed on your own, you may contact the: Legal Aid Society of Salt Lake

Room W-17 / Phone: 801-237-7171  
3<sup>rd</sup> District Court Building  
450 South State Street, SLC, Utah

## **Certificate of Service:**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_, I personally served a copy of this notice upon \_\_\_\_\_, the alleged victim in a domestic violence case, and that I read the notice aloud to the alleged victim.

Peace Officer Signature: \_\_\_\_\_

Print 3 copies.  
Distribution:

Original:Records

Copy:Arrested Person

Copy:Alleged Victim



## **WHAT IS A VICTIM ASSISTANCE PROGRAM? HOW CAN IT HELP?**

For individuals suffering from domestic abuse, victim advocates are available to provide assistance. Victim advocates are skilled in dealing with the dynamics of domestic abuse. They can provide a strong support system for those in need and offer access to the following services:

- Assisting individuals in getting to a safe place or shelter.
- Assisting individuals in obtaining Protective Orders.
- Developing safety plans.
- Providing information and referrals for community resources and programs.
- Providing referrals for domestic violence counseling and support groups for adults and children.
- Providing court advocacy through the criminal justice process.
- Information and assistance in receiving financial benefits through the Crime Victim Reparations Program.

If you or a loved one is suffering from abuse, please know you are not alone. There are people who care and resources available to help. Please contact your local Victim Assistance Program to speak with a victim advocate.



Be safe at home. There is no excuse for abusive behavior. No one deserves to live in fear.

## **WHAT IS DOMESTIC VIOLENCE?**

Domestic Violence is the ongoing, damaging effects of physical, verbal, emotional and/or sexual abuse by an intimate partner or past partner. It is abuse used to dominate and control another person. The following examples describe some of the ways a person can be abused.

### **You are physically abused when...**

Someone pushes, shoves, bites, kicks, hits, strangles, spits, punches, slaps, holds or ties you down, or prohibits you from leaving. It also includes the use of any weapon or objects to hurt you.

### **You are verbally abused when...**

Someone calls you names, puts you down, constantly criticizes you, verbally manipulates you, or repeatedly degrades you, etc.

### **You are emotionally abused when...**

Someone isolates you from family and friends, denies you access to your support system, threatens to harm you and/or the children or other family members, blames you for everything, drives fast or recklessly to frighten or intimidate you, is extremely jealous and possessive, controls all the money, makes all the decisions, humiliates you privately or publicly, threatens you with a weapon, blames you for the abuse, etc.

### **You are sexually abused when...**

Someone forces or manipulates you into having sex, forces you to perform sexual acts against your will, forces you to watch pornography or sexual acts, humiliates you through sex, limits your reproductive freedom including the use of birth control, inflicts pain during sex, etc.

Disagreements and arguments, even heated ones, are often part of normal relationships. However, physical violence or other abusive behavior in relationships is not. The violence will not go away by itself. Unless intervention is sought, violence tends to escalate in both frequency and severity. You cannot change the abuser. You are not at fault.

## STEPS TO TAKE

The **FIRST** step in breaking the violence in any relationship is to ensure your safety. You need to recognize the signs of mounting tension and the possibility of violence. Develop your own safety plan to help you escape a violent episode BEFORE it occurs.

The **SECOND** step in breaking the violence is to tell someone. Feelings of shame, fear, low self-esteem, and despair are common.

Be aware of resources in your community that can help in a crisis. These resources include crisis hot lines, victim advocates, shelters, legal services, counseling, and financial assistance.

## DEVELOP A SAFETY PLAN

1. Prepare and practice for a "QUICK EXIT." Know which doors and/or windows to use. Teach and practice exiting with your children. Teach your children to go to a neighbor's house to call police during an attack.
2. Keep an extra set of car and house keys where you can get to them quickly.
3. Pack a suitcase to store with a friend. Include a change of clothes for you and your children.
4. Keep important items in a safe and easy to locate place. These items include medications, ID, social security cards, extra cash, checkbook, all bank accounts, credit cards, ATM cards, birth certificates, personal telephone books, etc.
5. In case of an emergency, know exactly where you will go and who you can turn to for help. Keep shelter numbers with you.
6. When you expect an argument is coming, avoid "High Risk" rooms. Avoid: bathrooms, garages, kitchens, bedrooms, rooms where there may be weapons, and rooms without access to the outside.

## PROTECTIVE ORDERS

A Protective Order is a court issued order designed to provide victims of domestic violence protection from their abuser. Protective Orders prevent the abuser from having contact with, threatening, or entering onto the property of the victim.

## ELIGIBILITY REQUIREMENTS

You must be a "cohabitant" to file for a protective order. **One** of the following must apply:

- Parties are or have been married, or
- Parties have a child in common, or
- Parties are related by blood or marriage, or
- Parties have resided together at some time (this includes roommates).

## YOU MUST BE A VICTIM OF ABUSE OR DOMESTIC VIOLENCE

You are a victim of abuse if the other party:

- Intentionally caused you physical harm,
- Attempted to cause you physical harm; or
- Threatened you with physical harm

## A PROTECTIVE ORDER CAN:

- Order the abuser to physically stay away from you and your family and your place of employment.
- Order the abuser not to have contact with you either physically, by phone, letters (mail), or through a third person.
- Order the abuser to abstain from threatening you.
- Once obtained, keep a copy of your Protective Order with you at all times. **Call the police immediately if it is violated.**

## HOW TO OBTAIN A PROTECTIVE ORDER

Salt Lake county residents must obtain protective orders through the Third District Court. There is NO cost in obtaining a protective order. However, there are some things you should know before you go:

1. The Third District Court is located at:

**450 South State Street, Salt Lake City  
Room #W-17  
Hours- Mon.-Fri. 8-5**

2. The protective order process takes 4-8 hours. Babysitting is recommended. Call the Victim Assistance Program for free crisis babysitting referrals.

3. Bring picture ID & your police case number.

4. Bring all the addresses you want protected under your protective order (including places of employment, schools, day cares, etc.). Also, bring addresses of where the abuser may be served the protective order (including where the person resides, place of employment, etc.).

5. The parking around the court building is metered parking so bring plenty of change. The underground parking is \$2.00 per hour.

6. If at some point you wish to have your protective order dropped, **YOU** must go back to the District Court to have it dismissed by the court.

7. Call the Victim Assistance Program for more information and assistance through the protective order process.



## SALT LAKE COUNTY AREA VICTIM ASSISTANCE PROGRAMS

### Draper City Victim Assistance Program

801-576-6355 Fax: 801-576-6389  
801-840-4000 (Dispatch)

### Midvale City Victim Assistance Program

801-256-2505 Fax: 801-561-0379  
801-256-2506 (Spanish Speaking)  
801-840-4000 (Dispatch)

### Murray City Victim Assistance Program

801-284-4203 Fax: 801-284-4207  
801-284-4201  
801-840-4000 (Dispatch)

### Salt Lake City Victim Assistance Program

801-799-3474 Fax: 801-799-3789  
801-799-3789  
801-799-3810  
801-799-3000 (Dispatch)

### Salt Lake County Victim Assistance Program

801-743-5860 Fax: 801-743-5817  
801-743-5861 (Spanish Speaking)  
801-743-7000 (Dispatch)

### Sandy City Victim Assistance Program

801-568-7283 Fax: 801-568-7190  
801-568-6082  
801-840-4000 (Dispatch)

### South Jordan City Victim Assistance Program

801-254-4708 Fax: 801-253-2210  
801-330-0289 (Spanish Speaking)  
801-840-4000 (Dispatch)

### South Salt Lake City Victim Assistance Program

801-412-3660 Fax: 801-412-3601  
801-412-3661  
801-840-4000 (Dispatch)

### West Jordan City Victim Assistance Program

801-566-6511 Fax: 801-568-0759  
801-840-4000 (Dispatch)

### West Valley Victim Assistance Program

801-963-3223 (office) Fax: 801-963-3409  
801-963-3460  
801-963-3413  
801-963-3456  
801-840-4000 (Dispatch)

## ADDITIONAL RESOURCES



### **SHELTERS:**

YWCA	801-537-8600
South Valley Sanctuary	801-255-1095
Tooele	435-833-7350
Davis County	801-444-9161
Park City	435-647-9161
Provo	801-377-5500

### **LEGAL ASSISTANCE:**

Legal Aid Society	801-328-8849
Utah Legal Services	801-328-8891
Lawyer Referral Service	801-531-9075

**CHILD ABUSE REFERRALS:** 801-281-5151

### **CRISIS LINES:**

Domestic Violence Hotline	800-897-LINK
Rape Recovery Center	888-421-1100
Suicide Prevention	801-483-5444

### **VICTIM COMPENSATION:**

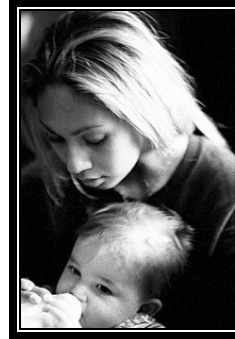
Crime Victim Reparations	801-238-2360
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### **COUNSELING SERVICES:**

Centro de la Familia	801-521-4473
Family Support Center (Midvale)	801-255-6881
Family Support Center (Sugar House)	
(Counseling services, crisis nursery)	801-487-7778
Sandy Counseling	801-944-1666
F.A.C.T.	801-293-9123
Family Counseling Center	801-261-3500
Valley Mental Health	801-263-7100

### **OTHER COMMUNITY RESOURCES:**

Salt Lake County Jail	801-743-5000
DCFS	801-538-4100
VINE System	877-884-8463
Dist. Attorney Counseling Unit	801-363-7900
Salt Lake County Sheriff	801-743-5779
(Protective Order Service Division)	
Adult Probation and Parole	801-239-2100
Information and Referral Center	801-978-3333
(Information and direction for community resources)	



**Utah Department of Public Safety**

**Utah Highway Patrol**

## **VICTIM SERVICES**

**CASE NUMBER:**

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**OFFICER:**

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**JURISDICTION OF OCCURRENCE:**

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**Utah Highway Patrol  
5681 South 320 West  
Murray, Utah 84107**

**Office: (801)-284-5520**

**EMERGENCY: 911**

**Non-emergency  
(801)-887-3800**

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